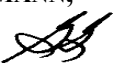




CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	11-06-13	AGENDA REQUEST NO:	IV-G
INITIATED BY:	LINDA DRAPP, ADMINISTRATIVE SPECIALIST	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DIRECTOR:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	MINUTES CITY COUNCIL MEETING OCTOBER 15, 2013 APPROVE MINUTES		
EXHIBITS:	MINUTES OCTOBER 15, 2013		
CLEARANCES		APPROVAL	
LEGAL:	N/A	ASSISTANT CITY MANAGER:	N/A
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve the minutes of October 15, 2013 City Council meeting.			
EXHIBITS			

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND
CITY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 15, 2013**

REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, October 15, 2013 at 5:30 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor
Himesh Gandhi, Council Member at Large, Position One
Joe R. Zimmerman, Council Member at Large, Position Two
Steve R. Porter, Council Member District One
Bridget R. Yeung, Council Member District Two
Amy L. Mitchell, Council Member District Three
Harish Jajoo, Council Member District Four

QUORUM PRESENT

All of said members were present.

Also present were:
Steve Griffith, Assistant City Manager
Glenda Gundermann, City Secretary
Mary Ann Powell, City Attorney, and
A Number of Visitors

CONVENE MEETING

Mayor James Thompson convened the session, open to the public, to order at 5:30 o'clock P.M.

INVOCATION

Council Member Gandhi delivered the invocation.

PLEDGE OF ALLEGIANCE

Council Member Gandhi led the pledge of allegiance to the Flag of the United States of America.

RECOGNITIONS

FORT BEND HABITAT FOR HUMANITY

Mayor Thompson introduced *Mr. Jeff Anderson, Fort Bend Habitat for Humanity*, who stated the organization has been building homes in Fort Bend County for 20 years; providing safe, decent, affordable housing for people by taking them out of substandard conditions and giving the family a chance for a better life. Mr. Anderson introduced *Mr. Brian Patterson, Vice Chair of the Fort Bend Habitat for Humanity Board*, and other members of the organization who were in attendance.

Seventy homes have been built in the past months and construction for two more homes has begun, which has touched the lives of approximately 350-375 people. Last year 1,947 Fort Bend County volunteers helped build the houses and volunteered in the Habitat for Humanity home improvement store in Stafford contributing over 29,000 hours of volunteer time.

Mayor Thompson presented a proclamation to join with the United Nations and organizations around the world in raising awareness, education, and mobilizing individuals and communities to take action on the current global housing crisis.

TEXANA CENTER – NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mayor Thompson introduced *Ms. Tracey Shaw* who stated that Texana is a non-profit organization that serves about 12,000 children and people every year with intellectual disabilities, autism, and behavioral health-care issues. Ms. Shaw recognized *Kevin Barker, Director of Intellectual and Developmental Disabilities Provider Services*, and *Manual Lopez, Education and Employment Manager*. Mr. Barker stated about 120 individuals in the community are served by Texana who work in competitive jobs in many of the companies that have located in the City of Sugar Land.

A proclamation was presented by *Mayor Thompson* stating the City of Sugar Land supports Texana Center's efforts encouraging the integration of Americans with disabilities in the workforce.

OATH OF OFFICE – SUGAR LAND BOARDS AND COMMISSIONS

Mayor Thompson administered the Oath of Office to members of the Animal Advisory Board, Building Standards Commission, Planning and Zoning Commission, Sugar Land 4B Corporation, and Zoning Board of Adjustment and Appeals.

PUBLIC COMMENT

Mayor Thompson introduced Public Comment and entertained registered speakers.

Mr. Ron Meisinger, 14003 Erin Court, spoke regarding Agenda Item IV.E, Ragus Lakes Drainage Improvements, stating the subdivision has had a very poor storm sewer system for many years, the Mayor, City Manager, and City Engineer met with him in February 2012 in his subdivision where Mr. Meisinger pointed out the drainage problems; he hoped that the construction contract would be passed by City Council and stated he was deeply grateful to the City for taking steps to improve the drainage.

REVIEW OF CONSENT AGENDA

Mayor Thompson introduced Review of the Consent Agenda and entertained questions and/or comments.

CONSENT AGENDA

Mayor Thompson introduced III.A) Authorizing execution of one-year renewal Contract in the maximum amount of \$135,549.20 with Kustom Sweeping, LLC, for street sweeping services, October 01, 2013 through September 30, 2014; III.B) Authorizing one-year renewal Contract in the maximum amount of \$69,780.00 with Cypress Creek Pest Control, Incorporated, for mosquito control services, October 01, 2013 through September 30, 2014; III.C) Authorizing one-year renewal Contract in the maximum amount of \$238,175.00 with Cedros Paving Services, LLC, for localized drainage improvements for period November 01, 2013 through September 30, 2014, CIP DR1401; III.D) Authorizing one-year renewal Contract in the maximum amount of \$90,000.00 with Siemens Industry, Incorporated, for continuous roadway lighting maintenance services for period October 01, 2013 through September 30, 2014; III.E) Authorizing execution of Amended Agreement by and between the City of Sugar Land and Union Pacific Railroad Company, for wayside horn installation at Ellis Road; III.F) Authorizing execution of Public Highway At-Grade Crossing Agreement by and between the City of Sugar Land and Union Pacific Railroad Company for Ellis Road (Prison Drive) at-grade rail crossing; III.G) Authorizing execution of one-year renewal Agreement, in the amount of \$101,011.00 with Tiburon, Incorporated, for annual software support and maintenance for period November 01, 2013 through October 31, 2014; III.H) Authorizing execution of a Contract in the maximum amount of \$63,600.00 with CDM Smith, Incorporated, for Community Development Block Grant Program Year 2013 administration consulting services; III.I) Approval of the minutes of the regular meeting of October 01, 2013.

Following a full and complete discussion, **Council Member Mitchell**, seconded by **Council Member Zimmerman**, made a motion to approve the Consent Agenda. The motion carried unanimously.

CONTRACTS AND AGREEMENTS

PAVEMENT REHABILITATION PROJECTS

Mayor Thompson introduced consideration on authorizing execution of one-year renewal Contract in the maximum amount of \$1,000,000 with S&C Construction Company, Incorporated, for pavement rehabilitation projects, for period November 01, 2013 through September 30, 2014, CIP ST1402.

Mr. Robert Valenzuela, Director of Public Works, stated in 2013 the City conducted a pavement assessment of the entire City that included an inventory of all City streets, and performed condition surveys, pavement faulting and shattered panels, that indicated the top priorities. From those priorities, staff prepared strategies and the recommended 5-Year CIP.

Pavement Rehabilitation Strategies

Full Depth Reconstruction	Major Rehabilitation	Dowel Bar Replacement
Overlays	Panel Replacement	
Slab Lifting	Diamond Grinding	
Joint/Crack Sealing	Joint & Spall Repair	

CONTRACTS AND AGREEMENTS (CONTINUED)

PAVEMENT REHABILITATION PROJECTS (CONTINUED)

The recommended 5-year CIP included projects:

- The Highlands, Section 1
- Williams Trace, S.H. 6 to Austin Parkway
- Settlers Park, Sections 1-4
- Dairy Ashford, 90A to Stiles
- Colony Bend, Sections 1-2
- Sugar Creek
- Sugar Wood, Section 1
- Lakefield
- Sweetwater Blvd., U.S. 59 to Austin Parkway
- Elkins, Sweetwater Blvd. to Colony Crossing
- Williams Trace, Lexington to S.H. 6
- Austin Parkway, Commonwealth to Highway 6

Project Overview:

- Original contract awarded in January 2011 (5 year renewable contract)
- Recently completed year 3 of 5
- Contractor: S&C Construction
- Funding: CIP ST1402
- Contract Amount: \$1,000,000

Schedule: Construction is anticipated to begin November 2013 with completion forecasted by September 2014.

City Council asked about the terms and conditions of the contract and the renewal contract; staff stated the terms and conditions are the same; the contract has an escalator of approximately 10%, which is fairly competitive.

A City Council Member recommended to staff that it would benefit staff and City Council to have a running list which could be after the fact or starting with the estimate of where the work will be done and a list of what was done in the previous contract, and for staff to use whatever method is universally acceptable.

Following a full and complete discussion, ***Council Member Gandhi***, seconded by ***Council Member Zimmerman***, made a motion to approve one-year renewal Contract in the maximum amount of \$1,000,000 with S&C Construction Company, Incorporated, for pavement rehabilitation projects, for period November 01, 2013 through September 30, 2014, CIP ST1402. The motion carried unanimously.

SIDEWALK REHABILITATION SERVICES

Mayor Thompson introduced consideration on authorizing execution of one-year renewal Contract in the maximum amount of \$500,000.00 with Cedros Paving Services, LLC, for sidewalk rehabilitation services for period November 01, 2013 through September 30, 2014, CIP ST1403.

CONTRACTS AND AGREEMENTS (CONTINUED)

SIDEWALK REHABILITATION SERVICES (CONTINUED)

Mr. Robert Valenzuela, Director of Public Works, provided background information stating in 2012, staff conducted a Citywide Sidewalk Assessment and 220,000 linear feet of sidewalk repair was identified. Three priorities are typically used; Priority 1 is 2" or greater for replacement; Priority 2 is 2" to 1" for replacement; and Priority 3 is 1" or less, which is shaving the edges. Of the 220,000 linear feet, approximately 175,000 linear feet has currently been completed.

Project History:

- Multi-Year Renewable Contract
- Invitation to Bid
 - Consideration was given to sensitivity in Neighborhoods
 - Performance specification
- Current contractor is Cedros Paving Services, LLC, who was the successful bidder

Staff presented an Area Map showing the sidewalk repair locations. Areas still to be completed include: some neighborhood areas in First Colony, several sections in Riverpark, and the Barrington area which is currently undergoing some waterline replacements and the repairs are being coordinated with Engineering. Repair work still needs to be performed on some of the major arterials within the City.

Project Overview: The original contract was awarded in January 2012 and was a 5-year renewable contract. The City has recently completed year one of five. Contractor is Cedros Paving Services. Funding for the project is in CIP ST1403 and the contract amount is \$500,000.

Construction is anticipated to begin in October 2013 with completion of identified areas in the 2012 assessment by December 2013.

City Council discussion ensued regarding:

- Citizens need to know that if there is a situation where help is needed, to contact the City. An example was a senior citizen resident who uses a walker and was unable to get to the mailbox because of the sidewalk condition; Public Works was notified of the situation and fixed the problem.
- Clarification on year one has been completed on a 5-year contract and what is left after this year, for the next 3 years. Staff stated the assessment was done in 2012 and staff has been working on the inventory. Depending on the amount of rainfall, the ground/sidewalks will move around and some areas will be candidates for removal in the future. It is an ongoing maintenance issue that the City must support. Staff committed to City Council that every year an assessment would be conducted to ensure the City stays on top of the maintenance; keeping an eye on the dollars used to make the repairs.

Following a full and complete discussion, **Council Member Yeung**, seconded by **Council Member Mitchell**, made a motion to approve one-year renewal Contract in the maximum amount of \$500,000.00 with Cedros Paving Services, LLC, for sidewalk rehabilitation services for period November 01, 2013 through September 30, 2014, CIP ST1403. The motion carried unanimously.

CONTRACTS AND AGREEMENTS (CONTINUED)

LETTER OF AGREEMENT FOR UNIVERSITY BOULEVARD RAIL CROSSING

Mayor Thompson introduced consideration on authorizing execution of a Letter of Agreement by and between the City of Sugar Land and Union Pacific Railroad Company for University Boulevard rail crossing.

Mr. Patrick Walsh, Director of Transportation and Long-Range Planning, stated the Agreement lays out the conditions for the future University Boulevard crossing in the Union Pacific right-of-way. The extension of University Boulevard north of U.S. 90A has been a priority of the City for many years and has been shown on the Thoroughfare Plan for many years.

Staff presented the recently adopted 2012 Thoroughfare Plan showing the University Boulevard Extension which received additional attention with the proposed development and redevelopment of the Imperial and Tract 3 areas, and was seen as a potential way to provide additional connectivity between the Tract 3 or the stadium area to U.S. 90A and provide relief of some potential traffic impacts to existing neighborhoods to the east. The City worked with the developer and required that the developer include the extension of University Boulevard north of U.S. 90A on the General Plan for the Imperial Development.

City staff began pursuing the extension of University Boulevard and considered what would be the most feasible option for extending University Boulevard north of 90A. Staff determined that an at-grade crossing was the most feasible option because of the nearby S.H. 6 overpass, access to Nalco, and cost. In 2011, the City requested a permit for the at-grade crossing from Union Pacific Railroad. In May 2012, Union Pacific responded by withholding approval of the permit.

Union Pacific Railroad cited concerns:

- Nalco rail servicing would block crossing for 3 hours, 3 times a week, and there would be public complaints
- Must close existing crossings

Union Pacific suggested closure requirements of 3 existing rail crossings in order to add a new one. The closure requirements would be for the City to add one new crossing, up to 3 existing crossings may have to be closed; UPRR would not allow City to close 3 small crossings with only a few cars crossing every day, but the closed crossings will have to obtain equivalent traffic counts to the proposed new crossing.

Staff provided an exhibit showing all of the issues. A request was received from Union Pacific for easements at the intersection of Kempner and Brooks Street.

In 2012, Union Pacific approached the City stating UPRR is in the process of adding a second mainline track through the entirety of the Fort Bend area and indicated the railroad would need some easements that are currently City street right-of-way abandoned by the City in order to accommodate the second track. The easements are at the intersection of Brooks and Kempner Streets.

Advantageous Terms:

- Exchange: City abandons Kempner Street easements, and UPRR agrees to reduced crossing requirements. This improves the feasibility of the crossing.

CONTRACTS AND AGREEMENTS (CONTINUED)

LETTER OF AGREEMENT FOR UNIVERSITY BOULEVARD RAIL CROSSING

City staff has reviewed UPRR plans for modifications of Kempner Street; there will be a narrowing of Kempner but is relatively modest; and the level of service for Kempner will be preserved.

Conditions for the Crossing:

- Nalco rail servicing must be improved to reduce the blockages of a future University Boulevard.
- Staff presented an exhibit that the City, in cooperation with UPRR and Nalco, has included in the Agreement and shows conceptual options that would allow for rail servicing to Nalco to be accomplished from the back of the facility, thus greatly reducing the blockage that would occur at University near the mainline track. This is called drop-and-pull capability and UPRR is very supportive as it reduces operation requirements.
- In exchange for the easements that City would abandon, UPRR would reduce the crossing closures to 2 rather than 3, and the Agreement is specific that the Nalco private driveway could be considered for one of those 2 crossings, which would leave only one crossing to identify for closure. UPRR has agreed that there will be no requirement of equivalent traffic counts for crossing closures.
- Other conditions are identified in the Agreement:
 - Nalco spur crossing must be an overpass and cannot be at-grade
 - No new rail crossings west of University Boulevard
 - Crossing has standard safety measures (lights, gates, etc.)
 - City maintains the crossing
 - No cost to UPRR

Next steps include:

- Secure Nalco cooperation (agreement under negotiation)
- City must identify the 2nd crossing to close, and staff recommends public process; no need to pursue until Nalco participation is certain
- Identify funding
- Capital project

City Council discussion ensued regarding:

- Crossing at the prison property; Staff stated it is an existing crossing and not part of this Agreement
- Feasibility of overpass over the northern spur; Staff stated there has to be a bridge over Oyster Creek; because of the way the servicing works, the northern spur could be blocked significantly if it was an at-grade crossing and UPRR has concerns with that issue.
- Estimate on timing and cost to the city; Staff stated timing will be dependent on Nalco, closing the crossings, the funding, a few years away at a minimum. Cost estimate is \$13 million.

Following a full and complete discussion, ***Council Member Jajoo***, seconded by ***Council Member Zimmerman***, made a motion to approve a Letter of Agreement by and between the City of Sugar Land and Union Pacific Railroad Company for University Boulevard rail crossing. The motion carried unanimously.

CONTRACTS AND AGREEMENTS (CONTINUED)

ORNAMENTAL TRAFFIC SIGNAL POLE ASSEMBLIES

Mayor Thompson introduced consideration on authorizing one-year renewal Contract in the maximum amount of \$500,000.00 with KW Industries, Incorporated, for ornamental traffic signal pole assemblies for period October 01, 2013 through September 30, 2014.

Mr. James Turner, Traffic Engineering and Controls Manager, presented background information stating the traffic signal pole assembly project was initially bid in the summer of 2010 as a competitive sealed bid contract and awarded to KW Industries, a local firm in the City of Sugar Land.

The City benefitted significantly from the contract; the poles are fabricated in the City and delivery times were shortened compared to the previous contract. KW agreed to maintain a short inventory of the most used pole sizes at the warehouse, which helped with turnaround and having quick access to repair items.

Since September 2010, the contract has been used primarily for CIP projects; most currently University Boulevard and Dulles Avenue traffic signal pole assemblies were purchased through the contract. The City standard is to use black, powder-coated poles. For the Imperial/S.H. 6 project, the poles vary in lengths and come with an ornamental base with City emblem on the base.

Contract Overview: The original contract was awarded as a 5-year renewable contract; year three of five was recently completed. The contract is structured as a unit price which means the City can use as many or as few items on the contract as needed. Funding is through various CIP projects and Operations and Maintenance.

Following a full and complete discussion, **Council Member Mitchell**, seconded by **Council Member Zimmerman**, made a motion to approve one-year renewal Contract in the maximum amount of \$500,000.00 with KW Industries, Incorporated, for ornamental traffic signal pole assemblies for period October 01, 2013 through September 30, 2014. The motion carried unanimously.

RAGUS LAKE DRAINAGE IMPROVEMENTS

Mayor Thompson introduced consideration on bid evaluation and authorizing execution of a Contract in the maximum amount of \$4,399,996.70 with SER Construction Partners, LLC, for construction of Ragus Lake Drainage Improvements, CIP DR1204.

Mr. Christopher Steubing, City Engineer, reviewed the project background stating the project was created January 2012 after a significant rainfall event on January 9, 2012; the City received approximately 5-1/2 inches of rain in about 90 minutes. Pursuant to receiving the resident letter regarding the drainage problems, engineering surveyed the problems in the field, began a PER (Preliminary Engineering Report) in April 2012, proceeded forward with a design contract in October 2012, and held City Council workshop discussions in May 2013.

CONTRACTS AND AGREEMENTS (CONTINUED)

RAGUS LAKE DRAINAGE IMPROVEMENTS (CONTINUED)

When the CIP project was created, there was not a true cost estimate so a place holder was created, which staff typically does not do. At that point, the discussion was a phased approach; City Council recommendation was to phase it, do an alternate, and get the project completed.

Scope of Work:

- 2,311 linear feet of 8' wide x 5' tall box culvert
- Various lengths of 42" storm drain
- 1395 linear feet of 7' x 4' box culvert and a small portion of 7' x 3'; cost of concrete is going up
- New inlet construction with laterals in streets; staff is leaving the existing storm sewer system in place
- 11,000 square yards of pavement replacement on most of the impacted area
- Reconstructed driveway connections
- Sidewalk replaced where needed
- Utility relocations as needed

Staff showed a preliminary drawing of the project layout and an aerial view of the project illustrating the locations of the streets, box culverts.

Staff held meetings with utility franchise companies; public meetings with HOAs for Ragus Lakes and Covington Woods and presented updates on the status of the improvements; Fort Bend Independent School District to discuss walking routes to school and bus stops, routes; Fire and Police; and mail and garbage services.

Contractor Selection Process:

- Competitive Sealed Proposals
- Consider contractor qualifications, experience and references
- Request for Proposal Selection Criteria
 - Price Proposal – 50%
 - Project Management Plan – 40%
 - Past Experience with similar projects – 5%
 - Past References with similar project – 5%

Proposal Details:

- Three (3) proposals received September 5, 2013
- Price Range:
 - Base price: \$3,015,307 - \$3,410,057
 - Alternate items: \$1,384,689.70 - \$1,744,318.75
- SER Construction ranked No. 1
 - Base price proposal - \$3,015,307
 - Alternate item price proposal - \$1,384,689.70
 - Total contract amount: \$4,399,996.70
- Project Budget Amount: \$4,485,000

CONTRACTS AND AGREEMENTS (CONTINUED)

RAGUS LAKE DRAINAGE IMPROVEMENTS (CONTINUED)

Project Schedule:

- Contract Authorization October 15, 2013
- Notice to Proceed late October to early November 2013
- Contract duration for both phases, 300 calendar days

City Council discussion ensued regarding sending initial letters to impacted homeowners, change in the estimated construction costs, inspection and construction administration, solving Covington Woods drainage problems, and identifying resident communication plans.

Following a full and complete discussion, **Council Member Porter**, seconded by **Council Member Zimmerman**, made a motion to approve a Contract in the maximum amount of \$4,399,996.70 with SER Construction Partners, LLC, for construction of Ragus Lake Drainage Improvements, CIP DR1204. The motion carried unanimously.

LIFT STATION REHABILITATION

Mayor Thompson introduced consideration on bid evaluation and authorizing execution of a Contract in the maximum amount of \$574,319.00 with Matula and Matula Construction, Incorporated, for lift station rehabilitation for Highway 6, Planters Row, and Great Lakes locations, CIP WW1201.

Mr. Timothy Jahn, Senior Engineer presented a project layout of the (3) lift stations which were identified in the Fiscal Year 2012 CIP Budget. Design for the (3) lift stations was completed in July 2013, the lift stations are ready for construction bids were advertised in August and received in September.

Five bids were received on September 12, the range was \$574,319 to \$772,100; low bidder was Matula and Matula Construction, Incorporated, for \$574,319; recommended by Sander Engineering for base bid and add alternate. Engineers' probable construction cost was \$768,000; project funding CIP WW1201.

Scope of Work/Schedule – Rehabilitation of (3) Lift Stations:

- Valve vault modifications
- Pumps/risers/header piping installation
- By-pass pumping
- Electrical improvements
- Wet well recoating
- Miscellaneous improvements

Schedule is 230 Calendar days after Notice to Proceed which is anticipated in November 2013.

Following a full and complete discussion, **Council Member Zimmerman**, seconded by **Council Member Gandhi**, made a motion to approve a Contract in the maximum amount of \$574,319.00 with Matula and Matula Construction, Incorporated, for lift station rehabilitation for Highway 6, Planters Row, and Great Lakes locations, CIP WW1201. The motion carried unanimously.

RECESS MEETING

Mayor Thompson recessed the Regular Meeting, time 7:00 o'clock P.M.

RECONVENE MEETING

Mayor Thompson reconvened the Regular Meeting, time 7:10 o'clock P.M.

PUBLIC HEARING

CONDITIONAL USE PERMIT FOR TEXTILE DESIGN BUSINESS

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on Conditional Use Permit for a textile design business located at 8034 U.S.90A in the Business Office (B-O) Zoning District.

Mr. Jacob Nitchals, Planner II, stated the is request is to operate an apparel and textile design business in the former gas and service station located at the southwest corner of Brooks Street and Highway 90A; recently rezoned from Mixed Use Conservation District to the Business Office district which requires a Conditional Use Permit for embroidery services and textile designers.

The building is approximately 3100 square feet; the site is approximately 0.26 acres. Services offered will include screen-printing, heat-pressed graphics, embroidery, and rhinestone decorations. The property is adequately parked with access off Brooks Street. Staff presented a Site Plan showing the existing building and existing drive off Brooks demonstrating how the parking area meets the required 11 spaces. The proposed building elevation illustrates a brick veneer on the front with full length glazing and awning to give more of a retail look. The building sides will have brick façade consistent with the front.

Adjacent land uses include: North: former Imperial facilities (PD); West and South: Imperial offices and associated parking (B-O); East: two City-owned properties (MUC).

The Planning and Zoning Commission held a public hearing August 13, 2013, Staff received three informational inquiries prior to the public hearing. No members of the public spoke at the public hearing. During review, the Commission discussed issues of open garage doors facing Highway 90A; future building improvements; renovation of side facades to include brick; and "no parking" area not originally shown; the Commission asked that the area be striped for "no parking".

On September 10, the Commission unanimously recommended approval with conditions:

- Front façade shall be remodeled in accordance with the elevation as shown in the Ordinance
- Building sides shall have brick façades that are consistent with facades as shown in the Ordinance
- Parking lot will be striped and include a "No Parking" area as shown on Site Plan in the Ordinance
- Garage doors will remain closed except when access is needed for parking or loading and unloading equipment or materials

PUBLIC HEARING (CONTINUED)

CONDITIONAL USE PERMIT FOR TEXTILE DESIGN BUSINESS (CONTINUED)

- If garage doors are replaced or removed, the improvements must be constructed in a manner that screens the production area from public view
 - “Screens the production area from public view” means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street

Requirements for the public hearing have been met. A courtesy sign was placed on the site, no inquiries have been received at this time.

Mayor Thompson entertained comments from the public; hearing none, the Public Hearing was closed.

ORDINANCE NO. 1934 – GRANTING CONDITIONAL USE PERMIT

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1934**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR A TEXTILE DESIGN BUSINESS LOCATED AT THE SOUTHWEST INTERSECTION OF HIGHWAY 90A AND BROOKS STREET (8034 HIGHWAY 90A).

Mr. Jacob Nitchals, Planner II, stated there were no further comments.

City Council discussion ensued regarding:

- Are business owners buying or leasing the property; Staff confirmed the owners are buying the property.
- Does the manufacturing process generate noise or odors; the *applicant/owner, Suzanne Whatley*, responded there is no noise except for an embroidery machine; regarding odors a building permit was approved for all green products that are used in screen printing and there are no harmful odors.

Following a full and complete discussion, *Council Member Gandhi*, seconded by *Council Member Mitchell*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1934**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR A TEXTILE DESIGN BUSINESS LOCATED AT THE SOUTHWEST INTERSECTION OF HIGHWAY 90A AND BROOKS STREET (8034 HIGHWAY 90A).

The motion carried unanimously.

PUBLIC HEARING

**REQUEST FOR PERMANENT ZONING – IMPERIAL GRACEPOINT TOWNHOMES
IN THE IMPERIAL DEVELOPMENT**

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on request for permanent zoning of 5.273 acres from Planned Development (PD) District General Development Plan to Planned Development (PD) District Final Development Plan Imperial Gracepoint Townhomes located on Stadium Drive and Imperial Boulevard in the Imperial Development.

Ms. Ruth Lohmer, Principal Planner, stated the acreage includes 35 townhome lots. The General Development Plan (GDP) for the property was approved by City Council in April 2012. The General Land Plan for Imperial shows the area as Mixed Use; the General Development Plan, the first step of the PD process, included the Ballpark District, Tract D; single-family homes were permitted in the General Development Plan. An aerial view showed the property as currently vacant surrounded by the amenity lake. The area to the north and to the southeast is the single-family homes; the roadways and utilities are currently under construction in the area.

FDP Components:

- FDP Regulations
- Site Plan
- Lot Configurations
- Street Plan and Cross Sections
- Vehicular Access Gate Layout
- Parking Plan
- Landscape, Open Space, and Pedestrian Plan

Exhibit B-1: Site Plan

- 35 Townhome lots
- Each of the units do front on a public street
- All vehicular access through shared/common driveway at rear of lots
- Access to front of properties will all be pedestrian access
- Private area to be gated from public street
- Possible side yard fences, but no front yard fences

Exhibit B-2: Lot Configurations

- Provides detail on layout of lots and how the different building setbacks are established, zero where the homes share the lot line and a minimum of 10 feet between the buildings where the zero lot line is not shared
- There is some on-street parking proposed with some off-set parking areas along public street

Exhibit B-3: Street Plan

- The cross-section for each of the roadways including Stadium Drive, Imperial Drive, and the new cross-section for the public street

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING – IMPERIAL GRACEPOINT TOWNHOMES
IN THE IMPERIAL DEVELOPMENT (CONTINUED)**

Exhibit B-4: Gate Layout

- Location of the access gates which will be approximately 23 feet on the edge of the pavement. Typically for a private street, the location of the gate is larger than 23 feet, usually about 60 feet, but the applicant provided a queuing analysis for Staff review. Engineering and Traffic staff reviewed and determined that any queuing that might occur would not have a negative impact on traffic in the area as there are only 35 lots, only two entrances into the site, and the public street primarily serves the 35 lots.

Exhibit B-5: Parking Plan

- On-street parking provided on Stadium Drive and new public street; specific locations of the parking spaces have not yet been determined
- Will meet sight-distance requirements for safety
- Guest parking within gated area

Exhibit B-6: Landscape and Pedestrian Plan

- 8-foot sidepath on Imperial Boulevard
- 5-foot sidewalk along Stadium Drive, amenity lake, and new public street near townhomes
- One seating area with bicycle parking and shade trees adjacent to amenity lake

Planning and Zoning Commission reviewed the Final Development Plan on June 27, 2013 and discussed the location of the gates into private shared/common driveway, primary building finishes, and maintenance of private shared/common driveway. On August 13, the Commission held a Public Hearing; no members of the public spoke except for the applicant. The Commission requested minor modifications: change stucco from primary to secondary finish; clarify no primary finish may cover more than 80% of the building front; and clarify edge of right-of-way in Cross Section 3.

On August 22, the Commission unanimously recommended approval of the Final Development Plan to the City Council with a minor change: clarify that the motor court will be part of the public street on exhibits.

All requirements of the Public Hearing have been met; a courtesy sign was placed on the site and interested residents notified. Staff received one inquiry that was general in nature and is not aware of any opposition.

The applicant, ***Peter Boecher with TBG Partners***, presented a recap of the Imperial projects showing the Ballpark Lofts at Imperial located across from the stadium, south of Imperial Boulevard and east of Stadium Drive; the Single-Family Residential project located north of Imperial Boulevard and east of Stadium Drive which included townhomes along and facing Imperial Boulevard; and Imperial Gracepoint Townhomes acreage is at the corner. An aerial view showed what the townhomes would look like at the roundabout intersection of Imperial Boulevard and Stadium Drive; there are six that will face the roundabout intersection.

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING – IMPERIAL GRACEPOINT TOWNHOMES
IN THE IMPERIAL DEVELOPMENT (CONTINUED)**

For the 35 units within the project, 15 will face Stadium Drive wrapping around Imperial Boulevard; the other 20 units wrap around the motor court and along the north facing the public street; the 20 units are either close or facing toward the amenity/detention lake to the north and east. There is a shared common driveway, an internal fire lane, and a minimum 5-foot garage setback from the shared common driveway.

Regarding the gates, the queuing analysis showed that the peak hour would include 31 vehicles coming in and out, which equates to 2 vehicles per minute, a low volume using the 2 access gates. The south access gate is about 100 feet from Imperial Boulevard. On the parking plan, there is a requirement of one parking space for every five units; with 35 units, there would be at least 7 required spaces. The plan shows 13 spaces within the gated area, which is significantly more than what is required, plus there will be parallel spaces along the perimeter street and the motor court.

With regard to sidewalks and trails, there is an existing 8-foot wide sidepath along Imperial Boulevard, and there will be a 5-foot sidewalk along Stadium Drive and the edge of the interior motor court and public street. On the other side of the street near the lake, there will be a trail along the west side of the lake. There is a requirement with the PD that once the north and east sides of the lake are developed, the trail will be built on the south and west sides of the lake.

Four different floor plans will be used in the project. Most of the units will have 3-car garages. All of the units have porches and will range in size from at least 3600 to more than 3900 square feet.

Mayor Thompson entertained comments from the public; hearing none, the Public Hearing was closed.

ORDINANCE NO. 1935 – PROVIDING FOR A CHANGE OF ZONING

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1935**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (IMPERIAL GRACEPOINT TOWNHOMES) FOR APPROXIMATELY 5.273 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF STADIUM DRIVE AND IMPERIAL BOULEVARD IN THE IMPERIAL DEVELOPMENT.

Ms. Ruth Lohmer, Principal Planner, stated there were no further comments.

City Council asked the name of the builder and the price point; *Mr. Boecher* stated the builder is Gracepoint Homes; Johnson Development will develop the infrastructure for the home site.

Mr. Shay Shafie, Johnson Development, stated the price point of the townhomes is between \$450,000 and \$600,000.

PUBLIC HEARING (CONTINUED)

ORDINANCE NO. 1935 – PROVIDING FOR A CHANGE OF ZONING

Following a full and complete discussion, *Council Member Yeung*, seconded by *Council Member Jajoo*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1935**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (IMPERIAL GRACEPOINT TOWNHOMES) FOR APPROXIMATELY 5.273 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF STADIUM DRIVE AND IMPERIAL BOULEVARD IN THE IMPERIAL DEVELOPMENT. The motion carried unanimously.

CITY COUNCIL CITY MANAGER REPORTS

CITY COUNCIL REPORTS

Mayor Thompson introduced Community Events Attended or Scheduled.

Council Member Yeung reported attending the TML Conference.

Council Member Mitchell reported attending the TML Conference, represented the city for the Resolutions Committee for important legislation and moderated one of the seminars on cyber security issues.

Council Member Zimmerman reported attending the Faith Community Church and spoke on honoring our veterans and hosted a supporter of the Sugar Land Cultural Arts Foundation.

Council Member Gandhi reported that he attended the National Night Out and received good input from the citizens.

Council Member Porter reported that he took the publisher of the Community Impact Newspaper for a tour of District One and will help to locate advertisers for his newspaper which did not have subscriber/advertiser support to publish in the area.

Council Member Jajoo reported that he and Council Member Mitchell will host an open town hall meeting on October 16 that will include various topics.

CITY MANAGER REPORT

Assistant City Manager Griffith reported that *Jennifer May, Assistant to the City Manager*, has sent City Council an email with two documents, one of which is a summary document with questions that Lyle Sumek will be asking Council in the interviews scheduled for Sunday and Monday, October 20 and 21, and asked that City Council read the document. The second document includes information for the City Council if there are any additional questions.

RECESS MEETING

Mayor Thompson recessed the Regular Meeting to go into Closed Executive Session, time 7:42 o'clock P.M.

CLOSED EXECUTIVE SESSION

Mayor Thompson introduced **Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:**

Personnel Matters: Section 551.074

a) For the purpose of discussion with respect to City Manager annual performance evaluation. *Ms. Paula Kutchka, Director of Human Resources.*

ADJOURN CLOSED EXECUTIVE SESSION

Mayor Thompson adjourned the Closed Executive Session, time 7:45 o'clock P.M.

RECONVENE MEETING

Mayor Thompson reconvened the Regular Meeting, time 8:20 o'clock P.M.

ADJOURN

There, being no further business to come before Council, *Council Member Mitchell*, seconded by *Council Member Jajoo*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:21 o'clock P.M.

Glenda Gundermann, City Secretary

(SEAL)